

FARMINGTON CITY – CITY COUNCIL MINUTES

OCTOBER 27, 2020

WORK SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment (by phone); City Deputy Recorder Heidi Bouck; Community Development Director Dave Petersen; Planning and GIS Specialist Shannon Hansell; Assistant City Manager/Economic Development Director Brigham Mellor; City Attorney Todd Godfrey; and Recording Secretary Deanne Chaston.

Mayor Jim Talbot called the meeting to order at 6:05 p.m. A roll call was conducted, with the following Councilmembers present: **Rebecca Wayment** (by phone), **Amy Shumway**, **Shawn Beus**, and **Scott Isaacson**. Councilman **Brett Anderson**, who was out of town, was excused.

CLOSED SESSION

Motion:

Councilman **Beus** made the motion to go into a closed meeting for the purpose of litigation. Councilwoman **Shumway** seconded the motion, which was unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the council was so convened in a closed meeting.

Jim Talbot, Mayor

Motion:

Beus made a motion to reconvene to an open meeting. The motion was seconded by **Shumway**, which was unanimously approved.

The work session was held to discuss questions or concerns the City Council may have on agenda items. Assistant City Manager/Economic Development Director **Brigham Mellor** discussed the bike park, saying the applicant would like to do as much construction as possible before snow falls. They would like it in use by spring of 2021. A \$55,000 state grant would fund this, as well as in-kind work and another \$125,000 from the State. There were two providers considered: one national who wanted actual structures, and another local who focuses on trails and is familiar with the terrain, as he did a bike park in Fruit Heights.

Isaacson discouraged attaching the proposal to the contract because of conflict. City Attorney **Todd Godfrey** that does not apply in this case. **Isaacson** wanted clarification of a daily payment for liquidated damages if his payment is late, as an incentive to keep the payment on time. However, he should not lose all his profit if his payment is a week late. He suggested that 5 percent of \$100,000, or \$100 a day, would be realistic. City Manager **Shane Pace** said it is very appropriate. **Mayor Talbot** said they should be sure the daily payment is not too low so he will be motivated to finish it. He wants it done by April or May, but that doesn't include COVID setbacks. **Isaacson** wanted the record to show that he has made some suggestions on the contract. They are not substantial.

Community Development Director **Dave Petersen** said the Auto Spa car wash applicant is trying to come in under Section 140. The General Mixed Use (GMU) zone does not allow car washes, but using section 140, the applicant can get approval from the City Council. If the Council allows it, the applicant will need to go back to the Planning Commission to go through the site plan process. **Mayor Talbot** said the Planning Commission recommended denial of car washes at the October 8, 2020, meeting.

Assistant City Manager/Economic Development Director **Brigham Mellor** said there are three reasons to deny this. One is that the primary location is a problem. Section 140 lets the Council consider uses not compatible with the ordinance. Another reason is that sales tax on car washes is nonexistent while that area has the potential of generating a huge amount of sales tax. The third reason is that the sewer district is concerned with capacity to handle waste water from a car wash. The district is aware of the impact that would have on their treatment facility. At the Development Review Committee (DRC) when the topic was discussed, there was a significant amount of angst for uses already permitted in the area. There is not much that can be done to prohibit residential from coming in. He is not opposed to car washes in general, he just doesn't think this makes sense in this area. He would like to find another site for car washes that are permitted by ordinance. The applicant understood from the beginning that this was not a compatible use for the vision of that area.

Isaacson said he is generally concerned with how Section 140 is being used. He said the exception might be eating up the rule, and it gives applicants the basis to come in and ask for things not normally permitted. He asked why exceptions are granted. It should not be just because they ask for it, but because there is some extraordinary ordinance. **Mayor Talbot** said he would like a work session about Section 140 in the future.

Planning and GIS Specialist **Shannon Hansell** commented on the Everly Apartments located on the Evans parcel at Park Lane next to Commerce Drive and the Denver and Rio Grande Western Rail Trail (D&RGW Trail). When the applicant approached the Planning Commission, they asked if the City would allow three stories in that area, which they can't by ordinance in an Residential Mixed Use (RMU) zone (maximum two stories). The Planning Commission came up with a compromise that next to the Rail Trail it will be two stories, but the next row will be three stories. Anything further to the west can be up to four stories in height.

Mellor said the City budgeted \$4 million-\$5 million to buy Commerce Drive. He said tonight if the City acquiesces to the building height on the Every Apartments, in exchange the applicant

will turn over the Right of Way (ROW) and the City won't have to buy it. He said the benefit to the City is going to be higher if they can get the ROW without having to pay for the road width, and they can now proceed with completing Commerce Drive and Digital Drive.

Petersen said the City needs Commerce Drive. He said Everly Apartments developer is trying to get public comment early and will not move forward if they can't get three stories somehow.

Mayor Talbot asked that the developer giving the ROW be used as a condition as it goes forward. City Manager **Shane Pace** suggested putting it in the motion as an expectation.

Mellor said the competition between Boyer in Community Reinvestment Act (CRA) Tax Increment Area 3 and North Farmington Station will help both "one up each other on design" in ways the City couldn't ask for in ordinance or use tax increment for.

REGULAR SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment (by Zoom); City Deputy Recorder Heidi Bouck; Community Development Director Dave Petersen; Planning and GIS Specialist Shannon Hansell; Assistant City Manager/Economic Development Director Brigham Mellor; City Attorney Todd Godfrey; and Recording Secretary Deanne Chaston.

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:06 p.m.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Talbot offered the invocation, and the Pledge of Allegiance was led by Councilwoman **Amy Shumway**.

Mayor Talbot excused Councilman **Brett Anderson** tonight and noted that Councilwoman **Rebecca Wayment** is participating electronically by Zoom.

PUBLIC HEARINGS:

Auto Spa Carwash Project Master Plan/Development Agreement and Schematic Plan

Planning and GIS Specialist **Shannon Hansell** presented this agenda item. She said the applicant has approached the Planning Commission previously about allowing the Auto Spa Carwash in the General Mixed Use (GMU) zone. After taking public comment, the Planning Commission did not want the applicant to come under Section 140 and have this as an allowed use, and they are worried about setting precedence. She said car washes cater to automobiles, not pedestrians, and nuisance lighting and noise were the public's biggest concerns. Staff recommendation is based on the Commission's to not allow car washes at this location. The Council is being asked for their input.

Applicant **Tana Besendorfer** (1725 E. Center Creek Drive, Heber City, Utah) said she felt strongly that the October 6, 2020, unofficial City Council vote on this item highly influenced the Planning Commission's October 8, 2020, decision. The comments received at the Commission meeting were positive and the Commission was impressed with the elevations. The Council's unofficial vote came before the applicant presented anything. This is a top-notch development, not a cheap generic-looking building. Their Heber City location has been a great addition there that has been very well received by the community. She noted that currently Farmington residents have to travel quite a way to get their car clean.

Considering the sales tax concern, she noted that most uses of that property would not produce sales tax, such as an office building or residences. Sales tax on car washes is always up for debate, and it may or may not change in the next five years. The property tax they would pay based on the value of their business being between \$5 million and \$6 million would be significant. She said they would be willing to give a piece of the property to the City for a road to come through in exchange for the tax disadvantage.

Besendorfer presented a letter from a resident who lives less than 30 feet from their Heber City car wash. The neighbor had been concerned about the noise, but after the applicant put a wall up, the neighbor now hears nothing from her house. The applicant is willing to consider further mitigation such as silencers on the dryers and setting the dryers 25 feet into the tunnel. The vacuum turbine can be put in the equipment room to further mitigate noise. This way, the noise issue could be resolved so the residences living across the street would not hear anything over the noise of the existing traffic.

Besendorfer presented said that the Evans own this property currently, and they have agreed that no more car washes would be placed on the other 64 acres of their property. The very nature of competition will limit itself, she said. If there is one big, nice car wash in the area, she feels another car wash would likely not choose to locate in the area. Therefore, this is not a precedence for future agreements. This is not a big corporation, but a small, family-owned business. She also presented a letter from the Heber City planner. While she appreciates the City trying to help them find an alternative location, she said she does not want to locate any further north than Park Lane, and there is not much land available.

Mayor Talbot opened the Public Hearing. He noted that a comment that came from **Jayna Powers** (34 N. 1100 West, Farmington, Utah) not in favor of the car wash would be added to the record. **Powers** also addressed the Council via Zoom.

Kyler Mahoney (473 W. Bourne Circle, Layton, Utah), who owns Muscle Works by the Farmington Chevron and grew up in Heber City, addressed the Council. Having a car wash next to his business has never been a problem for him. He is able to converse easily with his patients. He thinks this is a good space for a car wash.

David Michelson (964 W. 800 S., Farmington, Utah), who has worked in the car wash industry for over 15 years, addressed the Council. He said there is a strong need for a car wash like this in Farmington, and the proposed project is a high-end, nice facility. These are the perfect candidates and operators for this City, as they are not just investors.

Holly Abel (1163 W. Henry Avenue, Farmington, Utah), addressed the Council via Zoom. She is concerned about traffic getting in and out of the subdivision with this car wash close to the neighborhood. When she purchased her home, because of the way it and surrounding areas were zoned, she did not anticipate having a car wash in that area. She would like the area to reflect a calm pedestrian space.

Hillary Hallows (1190 W. Clark Lane, Farmington, Utah), who lives directly across from the site in question, addressed the Council via Zoom. She is concerned with the proposed 27 vacuum stalls and the noise that will come from them. It will be hard to mute those across the street. This is a high foot traffic area with the pedestrian and biking trails in the area. When they purchased their home, they were not under the impression they would be across from noise all day long.

Ray Seely (95 N. Rio Grand Avenue, and a home at 42 N. Jackson Avenue, Farmington, Utah) is very concerned with foot traffic on the trail and how it will interact with the car wash. It will

produce traffic and lighting at night. He would rather see something like a credit union that is open only during business hours and doesn't produce much traffic. A car wash is the opposite of that, and he is very much against it.

Brett Christensen (9962 S. Colton Spring Lane, South Jordan, Utah), works in Heber City and uses the car wash there a lot. He said the customer service offered there is second to none. It is a family-operated business that cares. It is one of the best car washes he has ever been through and he is happy with the quality.

Mayor Talbot closed the Public Hearing.

Councilman **Shawn Beus** said he lives half a mile from this location and he thinks the west side needs a car wash. However, he does not think a car wash is the highest and best use of that particular parcel. This is not the right location for it. He would like Staff to point out areas where car washes are currently a use so that perhaps the applicant can be redirected to another location in the City.

Community Development Director **Dave Petersen** said car washes are allowed in the General Commercial Highway zone, and there is nothing on Farmington's west side. However, he does not want to get involved in this current application as far as finding a new address. The uses allowed in GMU zones are: commercial, studios, offices, entertainment, financial institutions, recreational centers, hospitals, lodging, hair cutting, restaurants, retail and civic uses like day cares. Councilman **Scott Isaacson** asked if car washes were considered when the GMU Zone was created. **Petersen** said they were, as was auto repair. **Beus** said car washes look a lot better now than they did in 2008.

Economic Development Director **Brigham Mellor** said this area is being built for future sustainability, and millions of dollars from many sources are being spent on infrastructure. As such, the City needs to be more selective of what is located in this project area. If this was the "big yellow" car wash, the City would not even be considering the application.

Councilwoman **Rebecca Wayment** said this is a good looking car wash, and it would be nice to see another car wash in Farmington. However, the triangle piece of property that is a gateway to the business park and commercial area is not a good place for it. She would like to see a parcel more ideal for this located on the west side. If this doesn't pass tonight, she would like to see the applicant come back to the City with a proposal for a new location.

Petersen said there is limited space on the west side, especially considering there are two bona fide proposals for a car wash, and two more in the hopper. **Isaacson** said these decisions are not made in a vacuum or according to Councilmembers' own preferences. Ordinances guide them and exceptions are made only in extraordinary circumstances. The decision was made years ago not to include car washes in this zone.

Motion:

Shumway moved that the City Council not allow car washes at the site requested under Section 11-18-140 of the Zoning Ordinance, and/or in the GMU zone by the applicant to include findings 1-2.

Findings:

1. The proposed amendment was not reasonably necessary because the City permits car washes in other zones. Therefore, the proposal was not in the public interest because it would deviate from the permitted uses in the underlying GMU zone. The GMU, by definition, promotes higher density, mixed uses, which promote walkability and a diversity of economically sustainable uses. Car washes are not characteristically higher density, because they spread out across their site for use by automobiles, not pedestrians. Additionally, if car washes were to be allowed in the GMU, not one, but all, proposals would have the right to pursue space in the GMU zone. This does not promote a diverse, economically stable mixed use district.
2. The proposed amendment would not be consistent with the General Plan because the first and “most significant” goal of that plan states the overall goals for the community are healthy, attractive and pleasant living. The GMU zone currently promotes each of these through its variety of permitted uses. But as previously stated, the car wash use doesn’t promote healthy or attractive and pleasant community living. In public comment, citizens noted nuisance noise and lighting, not to mention lack of pedestrian accessibility from any side of the proposed car wash.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

The Everly Apartment Project Master Plan(PMP)/Development Agreement (DA) and Schematic Plan

Hansell presented this agenda item, which includes 352 units on the Evans parcel located along Park Lane adjacent to Commerce Drive. The existing Residential Mixed Use (RMU) does not currently allow three stories. The Planning Commission considered this two weeks ago and came to the conclusion they should allow three stories with the compromise that those along the Denver and Rio Grande Western Rail Trail (D&RGW Trail) are two stories, then heights can increase up to four stories.

Zach Hartman (395 Parleys Road, Park City, Utah), representing the Evans family, addressed the Council. He noted that the office buildings across the way are four to six stories high, so he feels this proposal is scalable.

Bryce Thurgood, representing the applicant, said an updated site plan was sent dropping the number of units to 340 units. They dropped 12 units in order to satisfy two stories on the west side as requested by the Planning Commission.

Mayor Talbot opened the Public Hearing.

Jerry Cochran (158 Longhorn Drive, Farmington, Utah) said he is representing other neighbors living across the way from the Everly complex. He said the collective question is “What is the benefit of having the additional height of the buildings for the City and the neighbors?” They see a lot of disadvantages, including significant increases to the magnitude of traffic.

Eric Scott (176 Longhorn Drive, Farmington, Utah) said he questions the validity of the Planning Commission’s findings about having three stories adjacent to the trail providing for a wider transition from homes. If the heights are being increased more rapidly, it seems to narrow the transition. Since he has lived there for 16 years, he thought the City Master Plan was to create a “gradual” transition from single-family lot densities to higher density apartments. He feels this is an abrupt transition.

Holly Abel addressed the Council over Zoom and asked if access is planned to the Rail Trail. **Petersen** answered yes, but exact specifications are not required at this point in the process. **Abel** said she is concerned with safety issues as pedestrians try to get from one side of the trail to the other.

Mayor Talbot closed the Public Hearing.

Mellor said what is up for debate are the heights, not the number of units. He said the benefit to the City is that the applicant has verbally agreed to give the Right of Way (ROW) to the City in order to build Commerce Drive. There is an abundance of traffic on Park Lane and 1525, and he knows this from personally living off Park Lane. The City cannot get Commerce Drive without the access being offered here. The DRG trail alignment should be treated like a local access road, heights should be lower there, and go to a higher product to the east.

Petersen said prior to 2008, the City rezoned this (Evans property) from Agriculture (A) to Mixed Use with height limits set to three stories. The developer at that time showed a suburb and did not address walkability, a proposal the City did not want. As the City was courting Farmington Station developer CenterCal at the time, they started amending the ordinance again. The City came back and zoned it the RMU and GMU that exists now, with only two stories allowed. In 2008, they were entitled to three stories. Staff is looking for a policy determination on number of stories, and the PMP process will continue on the Planning Commission level.

In this proposal, the three stories will not exceed 33 feet, which is a short three stories, **Petersen** said. At Commerce Drive, they have the entitlement to go to four stories. He mentioned there is a 9-foot gas line to work with there in addition to the 60 foot trail. Considering this, current residents will be a football field away from the two-story buildings. If the Council sticks to the Planning Commission’s recommendation, it would be fair. City Manager **Shane Pace** said they currently have zoning for two stories and four stories. The only exception would be giving three stories. **Mayor Talbot** said it appears to him that two stories are way more beneficial when considering line of site compared to three stories out where they have the ability to do that.

Isaacson said the middle ground of three stories is an exception to the RMU zone. He likes to follow the rules unless there is a good reason not to. In this situation, the owners agreed to

contribute a significant ROW to the City. However, it concerns him that that offer is not yet in writing. He would like to make that a condition of approval.

City Attorney **Todd Godfrey** said if the Council finds that there is enough reason to accept the height proposal, it seems to him that the motion should be the property immediate to the residential should be two stories, three stories not over 33 feet should be approved, and four stories should be approved, subject to a commitment in the Development Agreement that a ROW should be dedicated to the City. It should be sent to the Planning Commission, then come back to the City Council for final approval. The expectations should be set now. **Mayor Talbot** said there is a trade-off in this proposal. Four stories is already permitted, and it is OK to put conditions on the three stories.

Shumway said she would like to see the trail connection in the plan and a cleaner version that is easier to read when it comes back to the Council. She would like to see the number of stories and the ROW identified on the plan. She also is concerned about the trail crossing and high pedestrian use in the area, and would like the developer to plan for that.

She reminded the developer that the City is under obligation due to SB34 to consider affordable housing in Farmington. With the city-wide need for 220 additional affordable housing units, she would like to enter negotiations with the developer to include an affordable housing element in their proposal. As Farmington lacks affordable housing while housing prices and rents increase, his needs to be done quickly before all land is taken. **Beus** is most concerned that affordable housing is worked into this development. It makes sense to have affordable housing in that area for people who work in area restaurants and schools.

Thurgood said the plan would be professionally colored for the Council's next meeting so the number of stories and the trail will be easily identifiable. He said while affordable housing can be difficult to do in a mix, the developer will have that discussion with City Staff and get back to the Council at a later date.

Wayment asked if the Council should leave the 33-foot cap on so that it transitions appropriately. **Mayor Talbot** said this is a height issue, and he also would like affordable housing to be considered. It could be as simple as rent control. The City in general needs Commerce Drive to come through this project to help with traffic, and it is a win-win for everybody.

Motion:

Isaacson moved to allow three-story apartment buildings higher than 33 feet at the site proposed by the applicant, and table consideration of a PMP/DA and Schematic Plan by the Council, to allow time for the Planning Commission to prepare a recommendation regarding the PMP/DA and Schematic Plan subject to the following:

- a. The buildings adjacent to the D&RGW Trail must be no more than two stories in height.
- b. The next row (or tier) may be three stories, more than 33 feet.
- c. Buildings further to the east next to Commerce Drive are entitled to four stories in height.

- d. Subject to the applicant agreeing to dedicate ROW for the construction of Commerce Drive as part of the development plan.
- e. Also subject to the applicant discussing the option of affordable housing with City Staff.

Findings 1-5 include:

1. Generally, the maximum building height in the RMU zone is two stories. However, an increase in height to three stories for buildings not adjacent to the D&RGW Trail right of way is in the public interest because it provides a wider transition area from single-family homes on the west side of the trail to buildings taller than three stories in the GMU zone on the east side of the site next to the future Commerce Drive, identified as a principal road on the City's regulating plan.
2. The transition from shorter buildings to taller buildings is also consistent with the height exception standards set forth in the building height table in Section 11-18-060 B of the Zoning Ordinance.
3. The transition area is reasonably necessary because it allows increased flexibility for the developer and the City to work together to improve Commerce Drive, and provide a greater diversity of housing choices for future Farmington residents.
4. A decision to modify the standards of the RMU zone under Section 11-18-140 to allow a transition of building heights, shorter to taller, from west to east, is consistent with the overall goal of the City's General Plan to create "within the community a healthy, attractive, and pleasant living environment for its residents." This goal is the most significant element underlying the General Plan.
5. The afore-mentioned building height/transition area concepts shall only take effect if approved following the Project Master Plan/Development Agreement process set forth in section 11-18-140 of the Zoning Ordinance at the sole discretion of the City.

Additional finding:

6. The ROW is an important expectation and is beneficial to the community.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

Zone Text Amendment – Lot Width Standards in the OMU Zone (ZT-17-20)

Petersen addressed the Council about this item, which would affect land north of Shepard Creek and Cabela's. The Office Mixed Use (OMU) is no longer a pure office zone. The Planning Commission would like to stick with 200 feet instead of 300 feet for lot width standards in the OMU zone. It is recommended that the Planning Commission adopt this.

Mayor Talbot opened the Public Hearing. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Talbot** closed the Public Hearing.

Motion:

Beus moved that the City Council approve the enabling ordinance modifying lot width standards to better encourage mixed use development in the OMU Zone.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

OLD BUSINESS:

Park & Main Preliminary PUD Master Plan and Schematic Plan

Planning and GIS Specialist **Shannon Hansell** presented this agenda item. The items remaining include the office building elevations and the home behind the home. It is recommended that the Council approve this. One important condition is j, that the Council not enact the Planned Unit Development (PUD) overlay until the final master plan is approved. **Petersen** said the enabling ordinance would come back to the Council, and the end elevation is kind of bare on the office building.

Isaacson noted one mistake in number 7 at the top of the page. It should be “commercial” creep instead of “residential” creep. **Hansell** agreed with the change.

Shumway said she wants to see more elevations of the homes, especially side elevations. She also wants more detail on the landscaping around the building. **Wayment** said she would like to see more buffer and open space between the asphalt and the homes.

Applicant **Phil Holland** (82 Thatch Lane, Kaysville, Utah) said there have been substantial adjustments to the building, building size and wainscoting. They are fine with item j of the staff report, and they will go back to Site Plane and Architectural Review Committee (SPARC) for more input on the building.

Motion:

Isaacson moved that the City Council approve the Preliminary PUD Master Plan and approve the Schematic Plan for the Park and Main (PUD) subject to all applicable Farmington City ordinances and development standards, to include conditions A-J and Findings 1-8, with the correction in Number 7 as discussed.

Conditions:

- a. Utah Department of Transportation (UDOT) approval will be needed during future stages of development.
- b. A shared parking arrangement must be created between residential and office tenants.
- c. A mitigation plan for the hillside springs must be approved by the DRC.
- d. Storm water mitigation plan tailored to low-impact development standards must be submitted.
- e. The Preliminary PUD Master Plan must be updated to include all requirements from 11-27-060.
- f. All remaining Development Review Committee (DRC) comments must be addressed.
- g. The residential area be rezoned as Original Townsite Residential (OTR) following approval and recordation of the final plat.
- h. The office building is still subject to site plan requirements as per the Zoning Ordinance.

- i. All conditions of the Planning Commission motion of October 8, 2020.
- j. The City Council shall not enact the PUD overlay and adopt the enabling ordinance until the Final (PUD) Master Plan has been approved for the project.

Findings:

1. With adherence to DRC comment and UDOT approval, it is reasonable to assume that hazards will not be unreasonably increased in developing this area.
2. With adherence to DRC comment, the land in this PUD would be used more efficiently than that of the underlying zone.
3. In consideration of adjacent property, the development has chosen to create single-family dwellings fitting local character.
4. This project agrees with Farmington City's general Land Use Plan.
5. As compensation for increased density, this development ensures that the slope will be protected. Whereas in a traditional subdivision, there would be no assurance that the slope be sufficiently protected and stabilized.
6. Additional compensation for increased density (a singular additional lot) is provided by:
 - a. The mitigation of the natural hillside springs
 - b. Access point limited to just one, instead of four, potential access points off Main Street
 - c. Approved design guidelines
 - d. All improvements will be completed at one time, reducing inconvenience and aesthetic inconsistency on Main Street
 - e. Visitor parking for residents via shared parking agreement (Note: the parking lot for the office use consists of ~75 stalls and exceeds the three stalls per 1,000 square feet city standard for the proposed ~14,700 square feet office building.)
7. The residential area use on the north side of the site will help prevent commercial creep northward on Main Street.
8. The developer has met with, and applied solutions, from the joint Planning Commission-City Council-Site Plan and Architectural Review Committee (SPARC) committee concerning architecture.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Talbot asked the applicant to work with staff and expressed appreciation for the changes they recently made.

Preliminary PUD Master Plan, Subdivision Schematic Plan, and Zone Change – Fiore Townhomes (S-12-20 and Z-10-20)

Petersen presented this agenda item, noting changes from the previous modern elevations to the current more traditional one. The color pallet is much more conservative. While the garages are pretty plain, **Shumway** suggested putting windows in the garage doors. Other suggestions included a tot lot in the middle of the site plan, as well as room for guest parking. **Mayor Talbot** said he likes the current look more.

Applicant **Adam Nash** (2621 E. Providence Court, Holladay, Utah) said they are downzoning this property, which would represent their contribution. They could have 39 units, but they are instead getting 30 owner-occupied homes. These are not rental units. He is not sure how affordable housing would work on this project.

Jacob Ballstaedt (273 N. East Capitol Street), representing Garbett Homes, addressed the Council. He said he has met with Staff and made modifications to the playground, perimeter fencing, and park strip between the sidewalk and fence.

Beus said he would love to work with the applicant on an affordable housing element, as the City is behind in its inventory and is looking for partners. The City's procedures have not been formalized yet, but they are working on recommendations and options to increase affordable housing options in the City. He expects more state guidelines down the road to help cities like Farmington that are underserving their communities. While looking at the Planned Unit Development (PUD), the City should clearly define what "amenities" mean and if there are enough to justify approval. However, this is the most desirable plan the City has seen for this site. He lives a quarter of a mile away from this project, and prefers single-family homes even though the developers are entitled to commercial use rights. He believes this rezone is appropriate at this point in time.

Shumway reiterated what **Petersen** said earlier about windows in the garage door across the top. She would also like to see a landscape plan with this PUD. Since the meaning of "fiore" in Italian is "flower," she would like to see some flowers in the landscape plan. **Petersen** said a landscape plan was submitted, but not included in the Council's packet. He recommended that the Council not rezone the property to R-8 until they get one last look.

Beus noted his concern that 1525 West will likely be the feeder road to the freeway interchange and West Davis Corridor. As such, future tenants should be notified that the road behind them may be much busier in the coming 30 years. **Wayment** said that this property is an eyesore now, but the proposed project is a good fit for the neighborhood. **Isaacson** agreed, saying he appreciated the applicant's patience.

Motion:

Shumway moved the City Council:

- a. approve the Preliminary PUD Master Plan and Subdivision Schematic Plan for the Fiore Townhomes Planned Unit Development (PUD) subject to:
 - i. Establishing setbacks which result from the building placement as depicted on the proposed master plan; and
 - ii. The applicant must show to the satisfaction of the City Engineer prior to consideration by the City of a preliminary plat that storm water from the project may be detained on-site and/or discharged off site; and
- b. Not rezone the property from Agricultural Estates (AE) to R-8 or adopt the ordinance enabling the PUD overlay until the Final PUD Master Plan has been approved for the project.

Including Findings 1-5 (established by the Planning Commission on September 17, 2020, based on Section 11-27-060 of the Zoning Ordinance):

1. The layout will provide a more pleasant and attractive living environment than the conventional development (per the 1998 Development Agreement). Due to the residential nature of the surrounding area, the architectural design of the townhomes, landscaping and screening would be more integrated and cohesive with their surroundings than other possible commercial uses like convenience stores, storage unit sites, or small professional office site (as proposed in the original Development Agreement). Further architectural review for these townhomes will be considered in the SPARC with Planning Commissioners and City Council members.

Townhomes present an acceptable non-commercial use for the location because the 1998 development plan, which identified commercial uses on this corner, did not envision a major commercial complex just a few blocks east of the site. Now the possibility of a thriving business on the 2.65-acre property is more remote due to the market attraction of Station Park.

The townhomes will be “for sale” dwellings, which may result in a good niche/match for the local housing market.

2. In consideration of adjacent property, there may be no detriment to the surrounding residential area. The developer has proposed a use less intense than a commercial use in the form of residential townhome units. The reason for this being that although the Development Agreement (DA) was approved in 2000 to provide more convenient business uses to the surrounding sprouting subdivisions, there is no longer a need for such commercial usage with the advent of the nearby Station Park. In keeping with the singularly residential tone of the area, the developer proposes for-sale townhomes.

Furthermore, directly adjacent to the proposal site is Farmington Greens PUD Phase 2A. A portion of this phase specifically is defined by detached townhome style dwelling units, on an average of 0.10 acre per unit. Lot widths in this phase are no greater than 45 feet.

Additionally, the addition of just two proposed access points is far more beneficial to the area than the potential of multiple single-family dwellings with individual driveway access points on the busy 1525 West and Clark Lane intersection. This intersection is far busier than when the original development agreement was approved in 1998. This increase in traffic intensity is fueled by West Farmington residential proximity to business in Station Park and new schools east of this area. Potential professional office, convenience stores and similar business uses would only increase daytime traffic in this area, whereas townhomes may not significantly increase traffic more than other residential uses. The possibility of bright lighting, signage and a potential traffic light further supports development of the site as R-8 residential, rather than commercial. In

consideration of other uses, the developer has predicted that other commercial uses are no longer viable in this predominately residential area, and therefore proposes townhomes.

3. The efficiency of this proposal is more than that of a conventional development permitted in the AE zone and is similarly more efficient (in the context of the neighborhood) than other commercial uses like professional offices, storage units, convenience stores or the non-viable gas station use. This is because for-sale townhomes are a long-term use with the assurance of property upkeep, slower property turnover and the general predictability of a residential use. As previously mentioned, other commercial uses would prefer Station Park or other commercial hubs in Farmington closer to beneficial visibility near other businesses and traffic. It may not be efficient in the context of neighborhood traffic to introduce higher daytime traffic volume drawn to any business on this already busy corner. If the goal is to maintain a rural feel, placing something other than residential here would draw intensity further west.
4. As compensation for increased density on this site, the developer has entered into agreement with the city and submitted to Planning Commission and City Council oversight for better site design. The city gains input into development, and in turn, the public gains opportunity to input their opinion. This site provides a small amount of common open space.
5. It is reasonable to assume that hazards will not be increased by the addition of townhomes on this site. In previous findings, traffic hazards were discussed to potentially increase with individual driveway access points on one hand, and increased daytime traffic attracted by commercial uses on the other. With a townhome use, neither of these alternatives is necessary, and instead any increase in traffic would be added to the already residential traffic occurring. Walkability would suffer if a pedestrian or child had to compete with auto ingress and egress from single-family driveways or parking lots, or cars frequenting a storage unit site, gas station, convenience store or professional offices.

Isaacson seconded the motion. **Beus** voted “nay.” **Isaacson, Shumway,** and **Wayment** voted “aye.”

Agreement with Dan Black for Phase 1 of The Farm Bike Park Project

Mellor presented this agenda item. Some changes were proposed during the earlier work session. If this is approved today, they expect to start the project by the end of the week. **Shumway** asked if it would be possible to get a tot lot. **Mellor** said there would need to be more discussion about the funding possibilities of that, but welcomed Shumway’s help as the liaison to the Trails Committee. He is worried that it would need to be asphalted so it doesn’t become a muddy mess.

Motion:

Isaacson moved that the City Council approve the Agreement with **Dan Black** for Phase 1 of The Farm Bike Park Trail Construction, Design and Maintenance in the amount of \$103,600.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

Shumway said she is very excited about this. **Isaacson** said this is a great love note to the citizens.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including approval of minutes from September 1, 2020; Improvements Agreement with Updwell Development LLC – Sydney’s Corner Phase 2 development; Improvements Agreement with Craig North – North Cottonwood Creek PUD development; Improvements Agreement with Station Park Townhomes LLC – Cook Lane Right-of-Way; Burke Lane Agreement Changes; Agreement for Development of Land (ADL) with STACK Real Estate LLC.

Isaacson said he found some minor typographical errors that he will turn into Staff.

Motion:

Shumway moved to approve the Summary Action list items as noted in the staff report, items 1-6.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

GOVERNING BODY REPORTS:

City Manager Report

Pace said the crosswalk on Clark Lane has been painted. As soon as the flasher sign comes in, it will be installed. **Beus** asked if it could have both a bike crossing and pedestrian crossing marked there. **Pace** said it would. **Shumway** would like to draw attention to the new installation in a future edition of the newsletter. **Mayor Talbot** said he would rather the newsletter article wait until the flashing lights are installed. **Pace** said Park Lane will get a similar installation at the end of this year, and the rest of the crossings will be done by the end of 2021.

Pace said he received an email from UTOPIA, who recently restudied Farmington. It used to pencil at 40 percent, but things came in 12 percent lower, to 28 percent. UTOPIA has already invested in commercial areas in Farmington. **Pace** and **Mayor Talbot** said they will entertain another proposal from UTOPIA.

Pace also noted that in response to phone calls and social media inquiries, he doesn’t think that the City should get involved in directives about trick or treating on Halloween. **Wayment** said residents should take their health and safety into their own hands and not leave it to others.

Mayor Talbot and City Council Reports

Beus said he asked the Housing Committee to get back to him with policy recommendations.

Shumway updated the Council about the Farmington Crossing HOA parking issue. She said they have no intention of discontinuing the towing of cars, even though the Council believes it goes against conditions. **Pace** said he believes it is a violation of their zoning approvals to give guest parking stalls to residents for a charge.

Shumway shared a personal experience where a group of six teens shut power off to her house at the electric box in the middle of the night. Her neighbor's Ring doorbell capture footage of them. The Police Chief said this has been a problem in Kaysville as well. While she reported the incident to the police, she wants to encourage others similarly affected to make a report as well. This could be dangerous if a home's occupant was on oxygen, if the home was more susceptible to robbery due to the outage, or if someone responded with a gun.

ADJOURNMENT

Motion:

Beus made a motion to adjourn the meeting. **Shumway** seconded the motion, which was unanimously approved.

Holly Gadd, Recorder